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Attorneys of record:
Kevin G. Lauri (KL 8714)
Dana L. Glick Weisbrod (DW 0527)

ATTORNEYS FOR DEFENDANT INTERNATIONAL
BUSINESS MACHINES CORPORATION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER W. LINDNER,

Plaintiff,

-against-

INTERNATIONAL BUSINESS MACHINES
CORPORATION, ROBERT
VANDERHEYDEN, HEATHER CHRISTO
HIGGINS, JOHN DOE #1, and JOHN DOE #2,

Defendants.

Index No. 06 CV 4751 (KMK)

**DEFENDANT'S NOTICE OF
MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Defendant's Memorandum of Law in Support of its Motion to Dismiss Plaintiff's Complaint, and the Affidavit of Kevin G. Lauri, Esq., with attached exhibits, sworn to on April 14, 2008, the undersigned will move this Court before the Honorable Richard J. Sullivan at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, NY 10007, on May 28, 2008 for an Order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendant's motion to dismiss as to all of Plaintiff's claims, and dismissing Plaintiff's Complaint in its entirety, and for such other and further relief as the Court may deem just and proper.

Pursuant to the Court's Order dated March 6, 2008, Plaintiff's answering papers are due to be served and filed on April 28, 2008, and Defendant's reply is due to be served and filed on May 5, 2008.

Respectfully submitted,

JACKSON LEWIS LLP

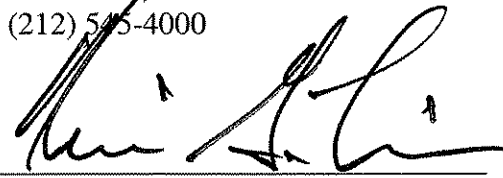
59 Maiden Lane

New York, New York 10038-4502

(212) 545-4000

Dated: New York, New York
April 14, 2008

By:

Handwritten signatures of Kevin G. Lauri and Dana L. Glick Weisbrod.

Kevin G. Lauri (KGL 8714)

Dana L. Glick Weisbrod (DW 0527)

ATTORNEYS FOR DEFENDANT
INTERNATIONAL BUSINESS
MACHINES CORPORATION